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Provisional summary record of the 40th meeting
Held at Headquarters, New York, on Thursday, 25 July 2002, at 3 p.m.

President: Mr. Rosenthal (Vice-President) ..... (Guatemala)

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The meeting was called to order at 3.20 p.m.

Social and human rights questions (*continued*)

(a) Advancement of women (*continued*)

(e) United Nations High Commissioner for Refugees (*continued*)

(g) Human rights (*continued*)

(h) Permanent Forum on Indigenous Issues (*continued*)

1. **The President** invited the Council to turn to the remaining draft decisions under sub-item (g), contained in chapter I of the report of the Commission on Human Rights on its fifty-eighth session (E/2002/23 (Part I)), the programme budget implications of which were set out in document E/2002/L.24.

Draft decision 34

2. **Mr. Reyes** (Cuba) said that the draft decision on interaction between the secretariat of the procedure established pursuant to Economic and Social Council resolution 1503 (XLVIII) and the Division for the Advancement of Women recommended discontinuance of the Commission on Human Rights practice of forwarding confidential monthly lists to the Division. Cuba proposed not to take action on draft decision 34, to allow all delegations to consider the real implications. The confidential communications procedure of the Commission on Human Rights pursuant to Council resolution 1503 (XLVIII) allowed an opportunity at each stage for the State party against whom a complaint was brought to contest allegations or provide clarifications. The simple forwarding of the monthly lists to the Division so that it could chart trends in human rights violations meant that it inevitably worked on the basis of rumours and mistaken allegations. There was, moreover, no legal basis in the form of a specific authorization by the Council for the practice of sharing confidential information. He believed that the Council should ask the President of the Commission on Human Rights to reconsider the decision, on the basis of further study of its real impact. Without such further information, the Council itself was not in a position either to approve or reject the practice or to take action on the draft decision.

3. **The President** said that since the representative of Cuba had moved that no action should be taken on draft decision 34, he would, in accordance with rule 50 of the rules of procedure, give the floor to two representatives to speak in favour of the motion and two against, after which the motion would immediately be put to a vote.

4. **Mr. Andrabi** (Pakistan) said that, indeed, the Commission had never specifically given legal authorization for the practice of forwarding confidential information to the Division. The Commission and the Division were entirely separate. The Division for the Advancement of Women was governed by resolution 1983/27 of the Commission on the Status of Women, which, inter alia, called for avoidance of duplication of work; and the forwarding of the lists in question certainly amounted to duplication of work. Because the Division itself was still discussing the whole issue and because of the importance of the communications procedure in the work of the Commission on Human Rights, the Council should avoid taking hasty or arbitrary action and should defer the matter.

5. **Mr. Xie** Bohua (China) seconded Cuba's motion. Views were divided as to whether the communications procedure under resolution 1503 (XLVIII) had any applicability beyond the Commission on Human Rights. It was unclear if the practice of forwarding confidential information had a legal basis. Before taking action, the Council should ascertain the views of all relevant bodies.

6. **Ms. Borzi** (Italy), speaking on behalf of the European Union, said that it was opposed to deferring action because it believed that the Council should take a decision on a recommendation of the Commission on Human Rights as to its own procedures.

7. **Mr. D'Aiotto** (Argentina) said that his delegation opposed Cuba's motion. It was important for the Council to take a position on a decision that would discontinue what had proved to be a useful procedure in helping to eliminate all forms of discrimination against women. It could not be said that the practice had no legal basis, because the Legal Counsel had in the past given an opinion confirming its legality. Draft decision 34 was unjustified because it militated against the protection of human rights. He therefore urged delegations to vote against the motion and to vote subsequently against the draft decision as well.

8. *A recorded vote was taken on the Cuban motion to take no action on draft decision 34.*

In favour:

Bahrain, Bhutan, China, Cuba, Egypt, Ethiopia, Fiji, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nepal, Nigeria, Pakistan, Russian Federation, South Africa, Sudan, Suriname, Zimbabwe.

Against:

Andorra, Angola, Argentina, Australia, Austria, Benin, Brazil, Burkina Faso, Cameroon, Chile, Costa Rica, Croatia, El Salvador, Finland, France, Georgia, Germany, Ghana, Hungary, Italy, Japan, Malta, Mexico, Netherlands, Peru, Republic of Korea, Romania, Spain, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Burundi, Qatar.

9. *The Cuban motion was rejected by 33 votes to 18, with 2 abstentions.*

10. **The President** said that a vote had been requested on draft decision 34. He invited any delegations wishing to speak in explanation of vote before the vote to do so.

11. **Mr. Hahn** (Observer for Denmark), speaking on behalf of the European Union, said that Commission on Human Rights decision 2002/102, on which draft decision 34 was based, had not been well founded and would be detrimental to the functioning of the Council's subsidiary commissions and secretariat. It would weaken the communications procedure of the Commission on the Status of Women, which was an important tool in the protection of women's rights. The argument that the information-sharing practice in question would breach the confidentiality of the communications procedure of the Commission on Human Rights was specious since the procedure of the Commission on the Status of Women was also confidential. The Commission on Human Rights did not have the competence to take such a decision, and the Council should play its coordinating role and reject it. The members of the European Union would vote against it.

12. **Mr. Reyes** (Cuba) said that his delegation considered information-sharing advantageous, but not as it was currently practised. Both those involved in dealing with communications and those involved in assessing human rights situations should be able to review the full information available, offering a modicum of due process to States, which had to be able to defend themselves against allegations. The current practice could produce distorted conclusions by the Commission on the Status of Women, and there was no legal basis for continuing it. Cuba did not object to the practice in principle but would vote against the decision as currently drafted.

13. **Mr. Alaei** (Islamic Republic of Iran) said that he believed the decision to discontinue the practice in question was well taken and would vote in favour of it. The communications procedure in the Commission on the Status of Women was completely different from that of the Commission on Human Rights. The former did not deal with individual petitions but simply examined trends of human rights violations against women without specifically investigating them. The legal opinion that had been issued some time ago regarding the exchange of information had applied only to the regional commissions and not to the two bodies in question; and, in any case, legality arose from a decision of intergovernmental bodies, not the Legal Counsel. Regarding the confidentiality of procedures, in the case of the Commission on Human Rights it meant that the allegations should not go beyond the membership of the Commission itself, whereas the confidentiality requirements in the Commission on the Status of Women differed.

14. **Mr. Xie** Bohua (China) observed that it was not clear whether there was any legal basis for transferring information on the communications procedure of the Commission on Human Rights to the Commission on the Status of Women. The confidentiality procedures of the two bodies were very different, and the strict confidentiality rules of the Commission on Human Rights did not extend to the Commission on the Status of Women. Moreover, the membership of the two bodies represented different nations. His delegation would vote in favour of draft decision 34.

15. **Mr. Andrabi** (Pakistan) said that he himself had no recollection of any legal opinion obtained by the Commission on the Status of Women, but rules could be interpreted and the Council should have such information before it decided. The two commissions in question had separate mandates, methods of work and ways of handling communications. The Commission on Human Rights forwarded complaints to member States

for comment, while the Commission on the Status of Women did not. By allowing confidential monthly lists to continue to be exchanged between the two bodies, the Council would allow the Commission on Human Rights to exceed its mandate. The two commissions had their own authorizing resolutions and they should keep to them. His delegation would therefore vote in favour of the draft decision.

16. **Ms. Ahmed** (Sudan) said that she herself would appreciate more information on the legal background to the question, in order to determine whether the practice should be discontinued. The membership of the two bodies differed, and there was technically a confidentiality problem. She would therefore vote to discontinue the practice.

17. **Mr. Montwedi** (South Africa) said that his delegation had voted in favour of the Commission on Human Rights decision and would do so again now in the Council. The practice was flawed and lacked legal basis, as disclosed by the Commission's own investigation of the matter two years earlier. What was at issue was not sharing of information but rather sharing of allegations that were subject to verification. Moreover, the material thus shared was in practice used only against the countries of a particular region. It would be irresponsible for the Council to endorse the practice.

18. **Ms. Elisha** (Benin) said that the Commission on the Status of Women took action in full confidentiality. It was not a tribunal, and its purpose was not to hand down judgements but to advance the cause of women. Therefore, the practice of information-sharing would not be detrimental.

19. **Ms. Khalil** (Egypt) said that there was no legal basis for information-sharing, which undermined confidentiality. Lodging of complaints under a 1503 procedure would lead to double investigations. Each body should stay within its own mandate, and her delegation therefore intended to vote in favour of the draft decision.

20. **Mr. Almadi** (Observer for Saudi Arabia) said that the draft decision had been endorsed by the African group, the Asian group and many other delegations. As the Commission had already adopted the decision, its reconsideration in the Council would set a damaging precedent. He thus called for a vote in favour of the draft decision.

21. *A recorded vote was taken on draft decision 34.*

In favour:

Bahrain, Bhutan, Burundi, Cameroon, China, Cuba, Egypt, Ethiopia, Fiji, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, South Africa, Sudan, Uganda, Zimbabwe.

Against:

Andorra, Argentina, Australia, Austria, Benin, Brazil, Burkina Faso, Chile, Costa Rica, Croatia, El Salvador, Finland, France, Georgia, Germany, Ghana, Hungary, Italy, Japan, Malta, Mexico, Netherlands, Peru, Republic of Korea, Romania, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Suriname.

22. *Draft decision 34 was rejected by 30 votes to 21, with 2 abstentions.*

Draft decision 35

23. **Ms. Serwer** (United States of America), speaking in explanation of vote before the vote, said that the convening of the Social Forum undermined efforts to streamline and rationalize the work of international human rights mechanisms and duplicated discussions already taking place in other forums. The focus on adequate food and poverty reduction also encroached on the work of the Council of the Food and Agriculture Organization of the United Nations (FAO) and the outcome of the World Food Summit. Her delegation believed that the issue of adequate food could be viewed only in the context of the right to a standard of living adequate for health and well-being, as set forth in the Universal Declaration of Human Rights.

24. Her delegation had been surprised to see on the web site of the Office of the United Nations High Commissioner for Human Rights (UNHCHR) a statement that the Council had already approved the convening of the Forum, action which was still in the process of being decided. Despite the assurances that there were no programme budget implications, other important human rights activities might be short-changed in order to accommodate the meeting.

25. **Mr. N'Diaye** (Office of the United Nations High Commissioner for Human Rights) said that the draft

decision had requested the holding of the Forum before the session of the Subcommission on the Promotion and Protection of Human Rights in Geneva, but 25 and 26 July had been the only possible dates because of other scheduled meetings. The meeting had not taken place, however, because it had not received Council approval. The programme budget implications were no longer relevant, as there would be no additional costs for conference servicing. The Forum would be made part of the normal session of the Subcommission.

26. **Mr. Hahn** (Observer for Denmark), speaking on behalf of the European Union, said that the European Union did not support the holding of the Forum outside the regular session of the Subcommission and regretted that preparations had been made in advance of Council approval. That action should not set a precedent. Members of the European Union that were also members of the Council would therefore abstain from voting.

27. **Mr. Reyes Rodriguez** (Cuba) said that the Secretariat had taken similar initiatives on other occasions when advance preparation had been required and should not be criticized for its action. The Council was at fault for delaying its decision. His delegation favoured the draft decision.

28. *A recorded vote was taken on draft decision 35.*

In favour:

Angola, Argentina, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Chile, China, Costa Rica, Croatia, Cuba, Egypt, El Salvador, Ethiopia, Fiji, Ghana, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Mexico, Nepal, Nigeria, Pakistan, Peru, Qatar, Russian Federation, South Africa, Sudan, Suriname, Uganda, Zimbabwe.

Against:

Australia, Japan, United States of America.

Abstaining:

Andorra, Austria, Cameroon, Finland, France, Georgia, Germany, Hungary, Italy, Malta, Netherlands, Republic of Korea, Romania, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

29. *Draft decision 35 was adopted by 33 votes to 3, with 17 abstentions.*

30. **Ms. Sekal** (Japan) said that her delegation regretted that the new information about the programme budget implications of the draft decision had been received just before the decision was taken. Such statements were essential to the work of the Council and should be issued promptly and in good time. According to the statement just issued, estimated costs had increased by 29 per cent as compared with April.

Draft decision 36

31. *A recorded vote was taken on draft decision 36.*

In favour:

Angola, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Chile, China, Cuba, Egypt, El Salvador, Ethiopia, Fiji, Ghana, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Mexico, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, South Africa, Sudan, Suriname, Uganda, Zimbabwe.

Against:

Andorra, Australia, Austria, Croatia, Finland, France, Georgia, Germany, Hungary, Italy, Japan, Malta, Netherlands, Romania, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Cameroon, Costa Rica, Peru, Republic of Korea.

32. *Draft decision 36 was adopted by 29 votes to 19, with 5 abstentions.*

Draft decisions 37 to 39

33. *Draft decisions 37 to 39 were adopted.*

Draft decision 40

34. **Ms. Serwer** (United States of America) said that her delegation could not support the request to authorize 14 fully serviced additional meetings of the Commission on Human Rights at its fifty-ninth session because of the financial implications. Furthermore, any authorization for additional meetings should not be given before the Secretary-General had put forward his proposals for rationalizing and streamlining human rights mechanisms, as requested in General Assembly resolution 56/736.

35. *A recorded vote was taken on draft decision 40.*

In favour:

Andorra, Angola, Argentina, Austria, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, Costa Rica, Croatia, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Libyan Arab Jamahiriya, Malta, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Peru, Qatar, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Suriname, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against:

Australia, United States of America.

Abstaining:

None.

36. *Draft decision 40 was adopted by 50 votes to 2.*

37. **Mr. Reyes Rodriguez** (Cuba) said that, had his delegation been present, it would have voted in favour of the draft decision.

38. **Mr. Tomoshige** (Japan) said that his delegation had voted in favour of the decision, but under the current circumstances, where it was important to cut costs, the Commission should make every effort to complete its work within the time allotted.

39. **Mr. Dialotto** (Australia) said that his delegation had voted against the draft decision, not with the aim of crippling the work of the Commission, but to encourage greater efficiency. The additional meetings requested were not consistent with budget constraints and streamlining of its work.

Draft decisions 41 to 43

40. *Draft decisions 41 to 43 were adopted.*

41. **The President** invited the Council to turn to the four Swedish proposals submitted under sub-item (h).

Draft resolution E/2002/L.16

42. **Ms. Martholm** (Sweden) announced that Australia and Ecuador had joined the list of sponsors of draft resolution E/2002/L.16, entitled "Permanent Forum on Indigenous Issues". In paragraph 1 (a) of the text the words "in New York" should be inserted after the words "United Nations Secretariat".

43. **Ms. Loemban Tobin-Klein** (Suriname) said that, as a country with a large indigenous community, Suriname was deeply committed to the Permanent Forum on Indigenous Issues and felt a special responsibility in that area. The Government and national indigenous peoples' organizations in Suriname were willing to participate in the Forum by submitting the names of candidates for positions in the Secretariat unit to be established. Unfortunately, the candidate they had recommended, although endorsed by CARICOM, had not been selected. Her delegation also strongly supported the inclusion of Ms. Erica Daes of Greece as a member of that unit. Her delegation would support consensus on the draft resolution, although it reserved the right to make a specific proposal regarding Ms. Daes at a later stage.

44. **The President** invited the Council to take action on draft resolution E/2002/L.16, as orally revised by the representative of Sweden.

45. *Draft resolution E/2002/L.16, as orally revised, was adopted.*

46. **Mr. Tomoshige** (Japan) said his delegation recognized the need for a secretariat unit for the Permanent Forum but stressed that, in accordance with the terms of paragraph 6 of Council resolution 2000/22 establishing the Permanent Forum, its activities must be financed from within existing resources through the regular budget.

47. **Ms. Tomar** (India) said although India had no indigenous populations as such, it had always supported the rights of indigenous peoples. She cautioned, however, that in order to ensure credibility of the Forum, the notion of what constituted an indigenous people or indigenous peoples needed to be carefully defined.

48. The report of the Permanent Forum (E/2002/43, (Part I)) contained a number of wide-ranging recommendations, but related activities should be restricted to countries where there were truly indigenous peoples. A number of mechanisms had been created to address the rights of indigenous peoples. Review of those mechanisms in 2003 should help avoid duplication and eliminate what was obsolete.

49. Although she supported creation of a secretariat unit for the Forum, she cautioned against allocating

excessive resources to what was a new body. Furthermore, with regard to paragraph 5 of the draft resolution she stressed any future actions undertaken by the Forum must follow due procedures and obtain the necessary approvals.

Draft decision E/2002/L.19

50. **The President** invited the Council to take action on draft decision E/2002/L.19, entitled "Second session of the Permanent Forum on Indigenous Issues". He said that a recorded vote had been requested by the delegation of the United States of America.

51. **Ms. Martholm** (Sweden), drawing attention to the programme budget implications of the draft decision in document E/2002/L.33, said that the dates of the second session had been chosen specifically to avoid incurring additional costs. She urged the Secretariat to address that problem as soon as possible.

52. **Ms. Serwer** (United States of America), speaking in explanation of vote before the vote and supported by **Mr. Blazey** (Australia), **Mr. Welsh** (United Kingdom) and **Ms. Van Ginneken** (Netherlands), said that her delegation approved of the work of the Permanent Forum on Indigenous Issues but recalled that Council resolution 2000/22 had stated clearly that the Forum should be financed from existing resources. Her delegation looked forward to continuing discussion of the issue during the General Assembly and would abstain from the vote on draft decision E/2002/L.19.

53. **Mr. Xie** Bohua (China) asked whether the programme budget implications contained in document E/2002/L.33 would automatically apply if the Council approved draft decision E/2002/L.19, or whether, if the latter was adopted and given the reservations expressed by some delegations, the programme budget implications would still be subject to review by the Fifth Committee.

54. **Ms. Starr-Newell** (Secretary of the Council) said it was her understanding that the financing measures would be reviewed by the Fifth Committee during the General Assembly.

55. *A recorded vote was taken on draft decision E/2002/L.19.*

In favour:

Angola, Argentina, Australia, Austria, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, Costa Rica, Croatia, Cuba, Egypt, El Salvador, Ethiopia, Fiji, Finland, Ghana, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Libyan Arab Jamahiriya, Malta, Mexico, Nepal, Pakistan, Peru, Qatar, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Suriname, Sweden, Uganda, Ukraine, Zimbabwe.

Against:

None.

Abstaining:

Andorra, France, Georgia, Germany, India, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

56. *Draft decision E/2002/L.19 was adopted by 44 votes to none, with 9 abstentions.*

57. **Mr. Tomoshige** (Japan) said it was unfortunate that a recorded vote had been necessary owing to the last-minute submission of programme budget implications for holding the second session in New York rather than Geneva. Budgetary resources for 2002-2003 had been allocated on the assumption that the second session would be held in Geneva, even though no decision had as yet been taken. They could also have allowed for the possibility of a session in New York. Financing for either eventuality should be found from existing resources. His delegation had had no choice but to abstain even though it supported holding the second session in New York.

58. **Mr. Thüemmel** (Germany) emphasized his delegation's support for the Permanent Forum and said that it had abstained with great regret for a technical reason: the deplorably late submission of the programme budget implications, which had not given delegations time to discuss ways of avoiding additional costs with the Secretariat.

Draft decisions E/2002/L.20 and L.32

59. **The President** invited the Council to take action on draft decision E/2002/L.20, entitled "Permanent Forum on Indigenous Issues" and draft decision E/2002/L.32, entitled "Secretariat of the Permanent Forum on Indigenous Issues".

60. Draft decisions E/2002/L.20 and L.32 were adopted.

Recommendations contained in the report of the Permanent Forum on Indigenous Issues on its first session (E/2002/43, Parts I and II and Add.1)

61. **The President** said that, in the light of the adoption of the Swedish proposals contained in documents E/2002/L.16, L.19, L.20 and L.32, he took it the Council agreed that no action was necessary on the four draft decisions recommended by the Permanent Forum on Indigenous Issues in chapter I of document E/2002/43 (Part I).

62. *It was so decided.*

(e) United Nations High Commissioner for Refugees (*continued*) (E/2002/L.11)

Draft decision E/2002/L.11

63. **The President** invited the Council to take action on draft decision E/2002/L.11, entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees".

64. *Draft decision E/2002/L.11 was adopted.*

65. **The President** invited the Council to take note of the following documents: under sub-item (a), the report of the Secretary-General entitled "Follow-up to, and progress in, the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly" (E/2002/66), the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its twenty-second session (E/2002/70) and the report of the Secretary-General entitled "Situation of the International Research and Training Institute for the Advancement of Women" (A/57/129-E/2002/77); under sub-item (e), the report of the United Nations High Commissioner for Refugees (E/2002/14); under sub-item (g), the report of the Committee on Economic, Social and Cultural Rights on its twenty-fifth, twenty-sixth and twenty-seventh sessions (E/2002/22), the report of the Commission on Human Rights on its fifty-eighth session (E/2002/23 (Parts I and II) and Add.1), the report of the United Nations High Commissioner for Human Rights (E/2002/68 and Add.1); under sub-item (h), the report of the Permanent Forum on Indigenous Issues on its first session (E/2002/43 (Parts I and II) and Add.1).

66. *The Council took note of documents E/2002/66, E/2002/70 and A/57/129-E/2002/77 (sub-item (a)); E/2002/14 (sub-item (e)); E/2002/22, E/2002/23 and Add.1 and E/2002/68 and Add.1 (sub-item (g)); E/2002/43 and Add.1 (sub-item (h)).*

67. **Mr. Alaei** (Islamic Republic of Iran) and **Ms. Khalil** (Egypt) said that paragraphs 6 and 12 of Commission on Human Rights resolution 2002/36, entitled "extrajudicial, summary or arbitrary executions" (E/2002/23 (Part I), chap. II) contained references to "sexual orientation", an ambiguous and controversial term which had never been defined in any United Nations document. They opposed the use of that term and dissociated themselves from the relevant aspects of paragraphs 6 and 12.

68. **Mr. Andrabi** (Pakistan), supported by Ms. Ahmed (Sudan) and Ms. Gzllal (Libyan Arab Jamahiriya), endorsed what had been stated by the two previous speakers with respect to the term "sexual orientation". He also expressed concern that the report of the Commission had been made available only one or two days before it was due to be considered.

Operational activities of the United Nations for international development cooperation (*continued*)

(a) Progress report on the implementation of the triennial comprehensive policy review (*continued*)

Draft resolution E/2002/L.18

69. **The President** said that he had been informed by the Secretary that draft resolution E/2002/L.18, entitled "Progress on the implementation of General Assembly resolution 56/201 on the triennial policy review of operational activities for development of the United Nations system", had no programme budget implications.

70. *Draft resolution E/2002/L.18 was adopted.*

(b) Reports of the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme (*continued*) (E/2002/11, 34 (Part I), 35, 36 and 69; E/2002/L.10; DP/2002/10; DP/2002/CRP.13)

71. **The President** invited the Council to take note of the following documents: the report of the Executive Board of the United Nations Development Programme/United Nations Population Fund on its work of 2001 (E/2001/35), the report of the Executive Board of the United Nations Children's Fund on its annual session of 2002 (extract) (E/2002/L.10), the annual reports of the Administrator of the United Nations Development Programme and the Executive Director of the United Nations Population Fund (E/2002/11), the report of the Executive Board of the United Nations Children's Fund on the work of its first regular session of 2002 (E/2002/34 (Part I)), the annual report of the Executive Director of the United Nations Children's Fund (E/2002/69), the report of the Executive Board of the World Food Programme on its 2001 sessions (E/2002/36), the annual report of the Executive Board of the United Nations Development Programme/United Nations Population Fund on its annual session of 2002 (DP/2002/CRP.13), the report of the Executive Board of the United Nations Development Programme/United Nations Population Fund on its first regular session of 2002 (DP/2002/10) and the note by the Secretary-General on the annual report of the Executive Director of the World Food Programme, 2001 (E/2002/54).

72. *The Council took note of documents E/2001/35, E/2002/L.10, E/2002/11, E/2002/34 (Part I), E/2002/69, E/2002/36, DP/2002/CRP.13, DP/2002/10 and E/2002/54.*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*)

Draft resolution E/2002/L.15

73. **The President** said that draft resolution E/2002/L.15, entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations" had no programme budget implications. A recorded vote had been requested. He invited delegations to explain their votes.

74. **Ms. Serwer** (United States of America), reiterated her delegation's position that the Council should not be devoting its time to the issue, which was outside its competence.

75. **Mr. Chulkov** (Russian Federation) said that the Russian Federation would abstain, although it supported the right of peoples to self-determination. Consideration of such political questions only distracted the Council from its main functions.

76. **Mr. Hahn** (Observer for Denmark), speaking on behalf of the European Union and the associated countries Bulgaria, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the European Union would be abstaining, since the resolution dealt with issues beyond the Council's competence.

77. *A recorded vote was taken on draft resolution E/2002/L.15.*

In favour:

Angola, Argentina, Australia, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Chile, China, Costa Rica, Cuba, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Mexico, Nepal, Nigeria, Pakistan, Peru, Qatar, South Africa, Sudan, Suriname, Uganda, Zimbabwe.

Against:

None.

Abstaining:

Andorra, Austria, Cameroon, Croatia, Finland, France, Georgia, Germany, Hungary, Italy, Japan, Malta, Netherlands, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

78. *Draft resolution E/2002/L.15 was adopted by 33 votes to none, with 21 abstentions.*

79. **Mr. Welsh** (United Kingdom) said that, although his delegation associated itself with the statement made by the observer for Denmark on behalf of the European Union, it wished to make additional comments

concerning the sixth preambular paragraph and paragraphs 13 and 16. The rights of Non-Self-Governing Territories to participate in the proceedings of the Council and its subsidiary bodies — and in those of the specialized agencies, world conferences under United Nations auspices and the international institutions associated with the Organization — should be applied on an equal and non-discriminatory basis. Moreover, it was inappropriate for the Council and the Special Committee to discuss the political issues of the type presented in the resolution with the specialized agencies and United Nations programmes.

80. **Mr. Tomoshige** (Japan) said that, despite its support of the self-determination and independence of colonial peoples, Japan had abstained in the voting on the ground that consideration of such political items by the Council was both inappropriate and inefficient.

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan (*continued*)

Draft resolution E/2002/L.22

81. **The President** said that he had been informed by the Secretary of the Council that draft resolution E/2002/L.22, entitled "Economic and social repercussions Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan", contained no programme budget implications. A recorded vote had been requested. He invited delegations to explain their votes.

82. **Ms. Serwer** (United States of America) said that her Government continued to focus on: advancing relevant plans of action on Palestinian civil reform and security; addressing the critical humanitarian situation in Palestinian areas; and restoring a political dialogue. It would continue to consult closely with the parties, with other members of the Quartet on the Middle East and with Arab leaders on how best to move forward. One-sided resolutions only undermined the credibility of the Council and did nothing to improve the situation in the region or the people they purported to assist. The Council should focus on working constructively to address Palestinian needs and to put the two parties back on the path to peace.

83. **Mr. Hahn** (Observer for Denmark), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that a settlement would be achieved only through negotiation; there could be no military solution. The European Union wished to express its profound regret at the loss of lives of innocent Israelis and Palestinians, which included many children. Both sides had the responsibility to pave the way for a negotiated and political solution.

84. The European Union shared the vision of two States living side by side in peace and security, including an end to the occupation and the early establishment of a sovereign, viable and peaceful State of Palestine with democratic institutions. A just, viable and agreed solution should be found to the complex issues of Jerusalem and the Palestinian refugee problem.

85. The European Union also wished to express its concern at the mounting humanitarian crisis in Palestinian areas. Palestinian needs should be addressed as a matter of urgency, and safe and unfettered access assured to United Nations personnel.

86. The European Union would continue to work with the parties and its partners in the international community — especially within the Quartet and within the region — to pursue every opportunity for peace.

87. *A recorded vote was taken on draft resolution E/2002/L.22.*

In favour:

Andorra, Angola, Argentina, Austria, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, Croatia, Cuba, Egypt, Ethiopia, Finland, France, Germany, Ghana, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Libyan Arab Jamahiriya, Malta, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Peru, Qatar, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Suriname, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia, Fiji, Guatemala.

88. *Draft resolution E/2002/L.22 was adopted by 47 votes to one, with 3 abstentions.*

89. **Mr. Alaei** (Islamic Republic of Iran) said that, although his delegation supported those parts of the draft resolution which sought to improve the living conditions of the Palestinian people, it wished to express its reservations on any elements which might be construed as recognition of Israel.

90. **Mr. Tomoshige** (Japan) said that, although his delegation had voted in favour of the draft resolution, it considered the issue to be essentially political in nature and thus more appropriate to other United Nations forums. To avoid duplication, the Council should refrain from discussing the matter repeatedly.

91. **Mr. Blazey** (Australia) said that his delegation had abstained but wished to register Australia's concern at the humanitarian situation in Palestinian territory. Australia was committed to alleviating the sufferings of those affected by the violence and had just pledged US$ 1 million in humanitarian assistance to aid the latest victims. In the current biennium, it had contributed a total of US$ 10.5 million to assist Palestinian people in the occupied territory, as well as Palestinian refugees in surrounding areas. An end to the violence — including an end to the terrorist attacks and indiscriminate bombings — would do more than anything else to transform the situation in the Middle East.

92. **Mr. Chulkov** (Russian Federation) said that the Council's work on the issue should be guided by relevant General Assembly resolutions, including those confirming the inalienable right of the Palestinian people and the inhabitants of the occupied Syrian Golan to their natural resources and calling upon Israel not to exploit, annihilate or threaten those resources.

93. Recent developments in the Palestinian territory were a cause for serious concern. Both sides must show restraint and refrain from acts of violence that could be exploited by extremists and would only further exacerbate the situation.

94. In the context of a worsening humanitarian crisis, the priority was to meet the urgent needs of the Palestinians. The position of the Russian Federation was well known and was reflected, inter alia, in the ministerial declaration that had resulted from the meeting of the Quartet Committee on the Middle East, held on 16 June in New York. The Russian Federation was in favour of urgent collective measures to establish peace in the Middle East, in accordance with relevant Security Council resolutions.

95. **Mr. Mekegl** (Observer for Israel) said that Israel shared the concern at certain humanitarian problems in areas controlled by the Palestinian Authority. However, the current situation was no act of God; it stemmed, rather, from the decision of the Palestinian leadership to wage a campaign of terror against Israel. It was to be hoped, as the President of the United States of America had stated, that the Palestinians would either change their minds or change their leader. The Israeli Government, for its part, was taking steps to change the situation. It had recently pledged some $50 million to the Palestinian Authority and was allowing 7,000 Palestinian labourers to enter Israel, despite considerable terrorist risk. His delegation hoped to see a resolution of the conflict and an improved situation in the West Bank and Gaza. It was willing to do its share to that end.

96. **Ms. Barghouti** (Observer for Palestine), having welcomed the draft resolution said that the Palestinians were proud of their history and civilization and would continue struggling for their freedom. However bad the situation might be, it did not call for charity, whether from the United States of America or elsewhere. It was the responsibility of the United Nations to continue to address the issue until it was resolved. She was surprised to hear the Israeli delegation speak of terrorism, when Israel continued to commit terrorist acts against her people. Only the previous day before dawn, an Israeli F-16 plane had dropped a one-ton bomb on a three-storey building, killing 15 persons and wounding more than 150, including nine children. In addition to the human devastation caused, three homes had been destroyed.

Economic and environmental questions (*continued*)

(a) Sustainable development (*continued*)

Draft resolution E/2002/L.27

97. **Mr. Shaheed** (Maldives), introducing draft resolution E/2002/L.27, entitled "Report of the Committee for Development Policy", said that a number of revisions had been agreed. In paragraph 1, the operative verb "Welcomes" should be replaced with

the words "Takes note of". Paragraph 3 should be replaced with the following text:

> "*Urges* the international organizations and bilateral donors to continue the debate concerning the treatment of graduating countries, with a view to ensuring that the graduation of a country from the list of the least developed countries does not result in disruption to its development plans, programmes and projects, and the importance of ensuring a smooth transition from least developed country status for countries that become eligible for graduation."

In paragraph 4, the operative verb "Endorses" should be replaced with the words "Takes note of".

(d) Human settlements (*continued*)

Draft resolution E/2002/L.30

98. **Mr. Vallenilla** (Observer for Venezuela) introduced draft resolution E/2002/L.30, entitled "Coordinated implementation of the Habitat Agenda", on behalf of the Group of 77 and China.

Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits (*continued*)

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (*continued*)

Draft resolution E/2002/L.31

99. **Mr. Aho-Glele** (Benin), introducing draft resolution E/2002/L.31, entitled "Programme of Action for the Least Developed Countries for the Decade 2001-2010", said that it was the result of intensive informal consultations.

The meeting rose at 6.20 p.m.